



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,483	12/05/2003	Eugene L. Podsiadlo	474712/0010 IGD	3074
7590	10/11/2007		EXAMINER	
Ian G. DiBernardo Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY 10038			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3693	
			MAIL DATE	DELIVERY MODE
			10/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/729,483	PODSIADLO, EUGENE L.
	Examiner Thu Thao Havan	Art Unit 3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/5/03.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>5/10/04</u> .	6) <input type="checkbox"/> Other: _____

**Detailed Action**

***Drawings***

The Examiner accepts the drawings filed on December 5, 2003.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated Harrington et al. (US 6,161,099).

Re claims 1, 13, 25, and 27, Schneider teaches a method of conducting an auction for shares of a fund (fig. 12) comprising:

receiving information relating to the fund, said information including a total number of available shares and the net asset value, the net asset value corresponding to a share price of the fund at a launch rate (figs. 6 and 10-15);

receiving bids relating to the fund, the bids including a bid price per share and a number of shares bid (col. 4, lines 10-41); and

determining one or more winning bids (col. 1, lines 17-21; col. 4, lines 34-46).

Re claims **2, 14, 26, and 28**, Schneider teaches maintaining at the server system bidder account information corresponding to a bidder; and updating at the server system the bidder account information for each of the winning bidders to reflect a return, the return equaling the difference between the net asset value and the respective winning bidders' bid price per share multiplied by the number of shares bid by each of the respective winning bidders (col. 7, lines 30-53; figs. 3-4).

Re claims **3 and 15**, Schneider teaches winning bidder is the bidder who bid the highest bid price per share (col. 4, lines 34-46).

Re claims **4 and 16**, Schneider teaches storing on the server system open auction information (figs. 1-3a).

Re claims **5 and 17**, Schneider teaches storing on the server system past auction information (figs. 10 and 13).

Re claims **6 and 18**, Schneider teaches generating graphical data based on the past auction information (fig. 10).

Re claims **7 and 19**, Schneider teaches generating tabular data based on the past auction information (fig. 13).

Re claims **8 and 20**, Schneider teaches generating graphical data based on the bidder account information (col. 9, lines 1-10).

Re claims **9 and 21**, Schneider teaches generating tabular data based on the bidder account information (fig. 13).

Re claims **10 and 22**, Schneider teaches generating electronic messages and transmitting electronic messages to the bidders (col. 10, lines 41-61).

Re claims **11** and **23**, Schneider teaches generating an electronic message, the electronic message comprising bidder registration information and winning bidder information; and transmitting the electronic message to a transfer agent (col. 18, lines 44-61; 11-12).

Re claims **12** and **24**, Schneider teaches receiving at the server system purchase information for each of the winning bidders, the purchase information relating to a purchase by each of the winning bidders of the number of shares bid by each of the respective winning bidders at the respective winning bidder's bid price per share (fig. 3c).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3691

system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan

Art Unit: 3691

9/30/2007